



COMMITTEE FOR  
GREEN FOOTHILLS

June 8, 2015

Rebekah Ross, Dept of Planning, Building and Code Enforcement  
City of San Jose  
200 E. Santa Clara St.  
San Jose, CA  
[rebekah.ross@sanjoseca.gov](mailto:rebekah.ross@sanjoseca.gov)

Re: Lands of Mazzone, PDC 13-028

Dear Ms. Ross,

This constitutes the comments of Committee for Green Foothills on the Initial Study and Mitigated Negative Declaration for the above-referenced project. Committee for Green Foothills works to preserve open space and natural resources, including creeks and wildlife, in San Mateo and Santa Clara Counties. We have a strong interest in the riparian corridors of San Jose and in the enforcement of the riparian setback requirements that protect those corridors.

The Mitigated Negative Declaration (MND) for the Mazzone project attempts to treat Golf Creek, one of the two creeks that border the site, as a Category 2 stream under the Santa Clara Valley Habitat Plan (SCVHP), when in fact the SCVHP lists this reach of Golf Creek as a Category 1 stream. The MND states, "The reach of Golf Creek adjacent to the project adjacent to the project site does not fit the definition of a Category 1 stream and thus, appears to be incorrectly identified. The reach of Golf Creek adjacent to the project more accurately fits a Category 2 stream based on the SCVHP definition. This apparent incorrect mapping of Golf Creek as a Category 1 stream is pronounced in other areas where Golf Creek is entirely contained within underground pipes and yet mapped as Category 1. . . . Therefore, for the purposes of this analysis Golf Creek is treated as a Category 2 stream." MND, p. 89.

Regardless of anyone's opinion of whether or not Golf Creek fits the definition of a Category 1 stream, the fact remains that it is so listed in the SCVHP. The attached image shows a portion of Figure 6-2 of the SCVHP, "Stream Setback Requirements for Category 1 Streams." Although Golf Creek is not labeled in Figure 6-2, it is clear from the map, based on the location of Alamitos Creek as well as the surrounding creeks and roadways, that the reach of Golf Creek just before it meets Alamitos Creek is depicted on Figure 6-2 as a Category 1 stream.

It is not the role of the MND or of any outside entity to determine the validity of the SCVHP's classifications of streams. It should be obvious that, if agencies or property owners were to willy-nilly make their own determinations of whether the SCVHP is correct with regard to the classification of this or that stream, the SCVHP would be rendered entirely useless. The reach of Golf Creek adjacent to the Mazzone property is classified as Category 1 in the SCVHP, and the MND must analyze the environmental impacts of the proposed Mazzone development in light of this fact.

The MND points to the fact that Golf Creek is undergrounded for part of its length in support of its argument. Again, a glance at Figure 6-2 shows that only part of Golf Creek is represented on this map as a Category 1 stream. Where Golf Creek disappears underground, it also disappears from Figure 6-2. Therefore, the MND's statement that the undergrounded portion of Golf Creek is "yet mapped as Category 1" is incorrect.

The SCVHP requires riparian setbacks of 100 feet from Category 1 streams and 35 feet from Category 2 streams. The MND attempts to treat Golf Creek as a Category 2 stream, which would require only a 35-foot setback. As a result, the mitigation measures required in the MND fail to fully mitigate the impacts of the project.

For example, Mitigation Measure BIO-11 calls for riparian habitat restoration to mitigate the impacts of encroachment into the riparian buffer zone. However, if that encroachment begins 65 feet farther from Golf Creek than the MND claims it does, obviously the mitigation required will have to be significantly greater. BIO-11 states that the habitat restoration area “should be a size of at minimum the same area of proposed development occurring within 100 feet of Alamitos Creek and within 35 feet of Golf Creek (i.e., approximately 5,783 square feet).” MND, p. 55. The impact to the environment of the riparian corridor from this drastic reduction of the area designated for habitat restoration under the MND’s flawed approach, is significant.

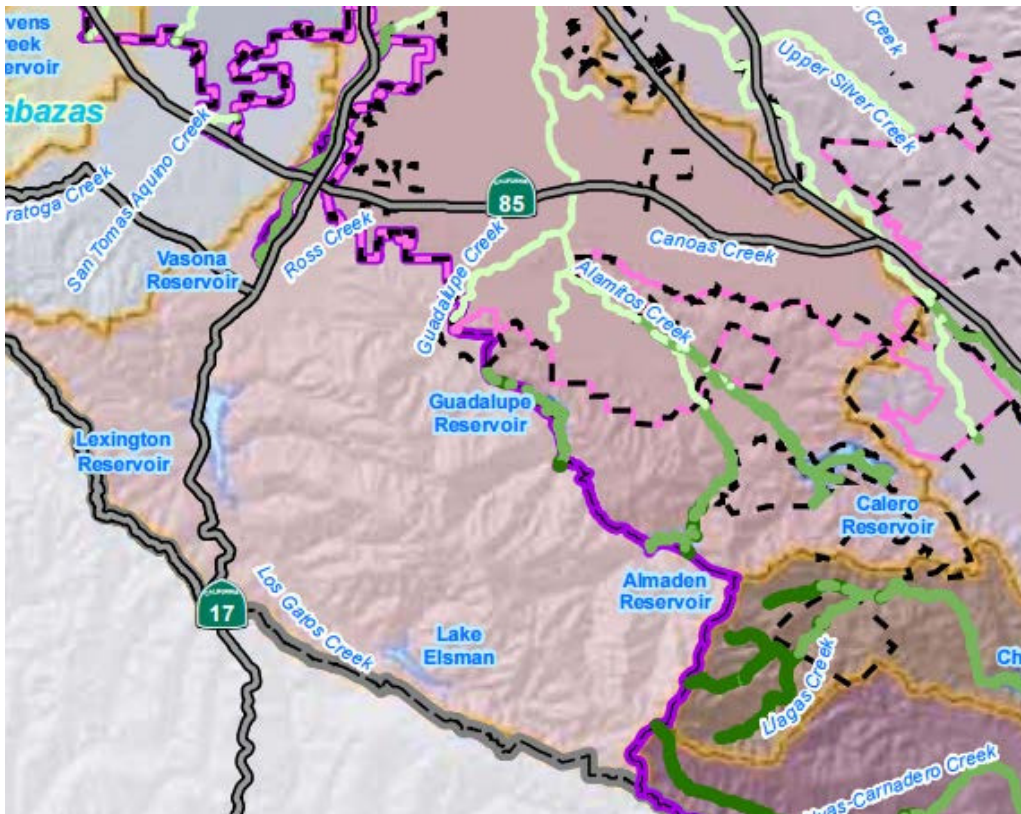
The MND must be revised to reflect the reality of Golf Creek’s classification as a Category 1 stream under the SCVHP. Thank you for your consideration of these comments.

Sincerely,

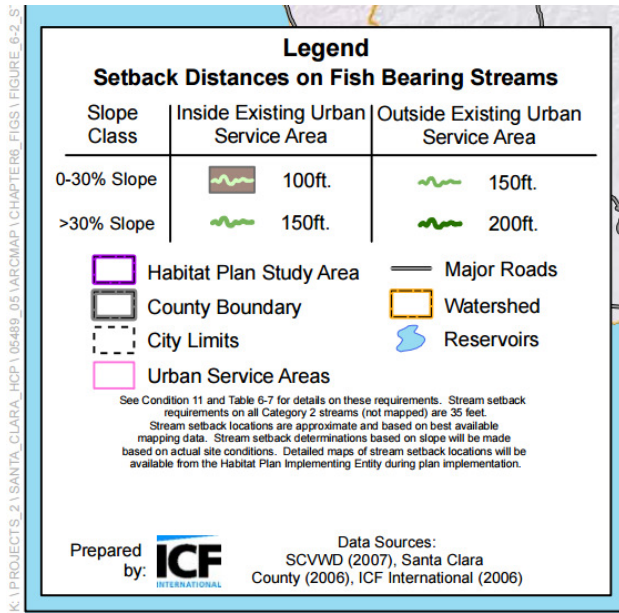


Alice Kaufman  
Legislative Advocate, Committee for Green Foothills

cc: Edmund Sullivan, Santa Clara Valley Habitat Agency



Santa Clara Valley Habitat Plan Figure 6-2, “Stream Setback Requirements for Category 1 Streams” (portion of map, enlarged)



Santa Clara Valley Habitat Plan Figure 6-2, “Stream Setback Requirements for Category 1 Streams” (legend, showing that streams marked on map require setbacks of at least 100 feet)